G. R. S. 58]

Previous references.

Legis 19-1910 Pkt 1-3
D 7-1903 Pkt 1-14
Civil Procedure Code Amendment Regulation (1888).

File No. 314-11

Serial Nos. 1 & 2

1911-12
Courts)

Later references.

cls 61-12-1-3.
cls 172-12-16
cls 61-12-8 to 12,
cls 277-14 (1 to 4)
Proc Dep no 71-14
cls. 218-19 (1-4)
110-23 (1-4)
cls 174-28 (1-)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2

Part B for August 1912

SUBJECT.

Reciprocity in the matter of the service and execution of Summonses and decrees of courts in and out of Mysore

Contents.

From the Dist Resident. No 3175 dated 31-5-12.
Requests to be furnished with copies of notifications of the Durbar about the reciprocal service or execution by the Mysore courts of the summonses or decrees of the Civil & Revenue courts in British India etc.

To the Dist Resident. Pol No 124 dated 9-8-12
Explains the Sections of the Civil Procedure Code under which summonses, decrees of any Civil or Revenue court in the British or of any Civil or Revenue courts established by the Governor

GPB—5,000—22-10-13

General in Council in the territories of any foreign Prince or State may be executed, by the Civil Courts in Mysore, I forwards a copy of Chief Commissioner's notification No 42 stating that the matter of issuing a notification under the new C.P.C giving power to all courts in Mysore to execute all processes of civil courts in Br India is under consideration & that a copy of the notification when issued will be forwarded in due course.

G.R.S. 11] 1911—12.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

C/S File No. 314-11

FILE HEADING.

Reciprocity in the matter of the Service and execution of Summonses and decrees of Courts in and out of Mysore, ~~in British India~~

From

The First Assistant to the Hon'ble the Resident in Mysore

No. 3175 Dated 31.5.12. Received 2.6.12.

Diary No. 3208	Enclos. 6 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests to be furnished with copies of notifications of the Durbar for the reciprocal Service or execution by the Mysore Courts of the Summons or decrees of the Civil and Revenue Courts in British India &c,

NOTES AND ORDERS.

Subd The Govt of India have by means of notifications issued from time to time made arrangements for the Service of Summonses and the execution of decrees of Civil and Revenue Courts

63 and the Civil & Revr.

NOTES—First Sheet.

GPB—30,000—12-8-11

G. R. S. 12]

General and Revenue Secretariat. | File No. 314 of 1911-12

Serial No.

of the Mysore State, viz.

(a) by Courts in British India

(b) by Courts established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State.

(c) by Courts of the C. & M. Station of Bangalore.

(2) The Residency requests to be furnished with copies of similar notifications issued by the Durbar for the reciprocal service and execution by the Mysore Courts of the Summonses and decrees of the Civil and Revenue Courts of the descriptions (a) and (b) noted above.

(3) Section 29 of the new Civil Procedure Code corresponding to Section 650 (A) of the Old Code, enables the Courts in Mysore to serve the Summonses issued by any Civil

NOTE.—Contn. sheet.

GPB—20,000—20-1-12

Serial No.

or Revenue Court Situate beyond the limits of Mysore. But in the Code of 1911, the powers of the Courts have been restricted by the addition of a proviso, which requires an express direction from Govt by means of a notification, declaring the provisions of the said Section to apply to such Courts.

But see Sec 157 of the new Code which Saves all existing powers of Courts

(4) So far as Civil Processes are concerned the Mysore Chief Commrs notification No 112 of 23rd July 1878 which appears to be still in force is perhaps regarded as such direction ~~as aforesaid~~ But as regards revenue processes, no specific notification seems to have been issued. Under the existing orders, only notices of demand for arrears issued by the British Revenue authorities are served in Mysore and moneys recovered in compliance with such notices are remitted to

¶ 106. Civil Digest.

NOTE—Contn. sheet.

GPB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat. | Cs File No. 314 of 1911-12

Serial No.

No coercive process can be applied on either side Flag O.

those officers (Vide G.O. No 5188-216-mis 995 dated 8th November 1897)

(5) [It may perhaps also be noted that the words "any Civil or Revenue Court Situate beyond the limits of Mysore" appear to include such Courts in British India as well as those established or Continued by the Governor General of India in the territories of any Foreign Prince or State.]

(6) Coming now to decrees, Section 43 of the C.P. Code (Section 229 of the previous Code) provides that a decree of any Civil or Revenue Court Situate beyond the limits of Mysore and falling within the description given above may be executed in the manner provided in the Code within the jurisdiction of any Civil Court or of any Revenue Court Specially directed by Govt

NOTE—Contn. sheet.

GPB—20.000—20-1-12

Serial No.

p. 62 Civil Digest.

in that behalf in Mysore. Here again, the Chief Comm's notification of 1878 referred to above provides for the execution of civil decrees. The decrees of Revenue Courts being practically rare, the special direction required to be issued under this Section, perhaps dispenses with the necessity of any general notification or order in that direction. Subj for orders

Even decrees of Revenue Courts may be executed by our Civil Courts — also by our Revenue Courts if Specially directed". See 43. C.P.C.

Sec 122 W(11)
11.6.12.

7) Civil and revenue Courts decrees of Courts in British India and of the Courts established under the authority of the Governor-General in Council in the Territories of a Foreign Prince may be Executed by the Civil Courts in Mysore under the authority of Sec. 43 read with of the C.P.C. 1908. [See also Sec 229 of the old Code] They can also be Executed by such of our Revenue Courts as are Specially

NOTE—Contra. sheet.

G. R. S. 12]

General and Revenue Secretariat.

Cs File No. 314 of 1911-12

Serial No.

directed in that behalf"
& No special direction" has
been issued by the Govt of Mysore
to this effect such direction
having been for the first time conferred
on the Govt by Reg^n VI of 1904.

9 [It is not clear if any such "direction"
~~is necessary~~ need be issued now]

10. Summonses

Sec 650 of the old C. P. C
and Sec 29 of the new Code
read with Sec 157 of the
same Code Conserve power to
our Civil Courts to execute
all Summonses of any Civil or
Revenue Court beyond the limits
of Mysore — which Expression is
wide enough to include Courts
Est^d under the authority of the
G-G-in Council in the territories
of a F. P. or Native State.

11 Please put up a draft
to the Reg^r on the above lines

NOTE—Contn. sheet.

28/6/12

GPB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

CJ File No. 314 of 1911-12

Serial No.

12

Draft Subd

Hcs (22 WF(11)

2.7.12. 4/7/12

13

Dft may be appd

2/7/12

Lee

NOTE—Contn. sheet.

GPB—20,000—20-1-12

C R. S. 12]

General and Revenue Secretariat.

Cts File No. 314 of 1911-12

8

Serial No.	
	From the H.A. Resident, N 4190 & 227-12 Requests the favour of a very early reply in the matter of the execution by the Mysore Courts of the decrees and Summonses of Civil and Revenue Courts in British India.
Cts File N 314-11. & N 19	14 Subs. The previous letter of the Residency was submitted to the Secretary on 3.7.12 with a draft reply. This may perhaps be submitted in Continuation. 23.7.12
	23/7/12
	See 15 1st Counsel. Dewan 23 24/7/12
	C 24/7/12
343.	A Notn under S. 29 Sh'd I think be issued. Please Note all provns (if there are

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

CG File No. 314 of 1911-12

17

Please copy this note for being dealt with in a separate file. Action will be taken separately.

Serial No.

others) under which notices are due & put them through as early as possible. Draft appd with some alterations — H

27/7/12

notes and Submitted.

Hrs 1/22
30/7/12

28/7

H.C.S. please bring up in person
28/7/12

Books in the file.
The civil Reject
The civil Proc. code (Old)
" " (New)

KW(123)
3/17

file sent to Dewan

28/7/12

2551
30/7/12
Read again on
3/8/12

Dewan draft approved

Hrs

2/8

8/8/12

NOTE—Contn. sheet.

GPB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

Ch File No. 314 of 191 /

Serial No.	
2	To the Dy Registrar No Pol 1914 & y letter mentions the sections of the CPC under which decrees & summonses of any civil or Revenue court in Br India or of any civil or Revenue court established by the Governor-General in council in the territories of any foreign ~~prince~~ Prince or State may be executed and served by the civil courts in Mysore; forwards a copy of Chief Commissioner's Notification No 112 and states that the matter of issuing a notification under the new C.P.C giving power to all courts in Mysore to execute all processes of civil courts in British India is under consideration and that a copy of the notification which may be issued will be forwarded in due course.

NOTE—Contn. sheet.

GPB—20,000—20-1-12

III
3/1/5

Cs 1/6 Pol 1951
1.6.12

J 3208

No. 3175
8.6.

1

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 31st May 1912.

SIR,

As you are aware, complete reciprocity exists between British Courts and Courts of the Mysore State in regard to the service of civil processes and execution of decrees.

2. The arrangements in this respect that have been notified by the Government of India are as follows:-

Summonses of Mysore

I. The service of summonses of Civil and Revenue Courts of the Mysore State.

(a) by Courts in British India	Foreign Dept. Notification No. 232-I-J, dated 25th November 1881.
(b) by courts established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State.	Foreign Dept. Notification No. 1368-I, dated 29th March 1889.
(c) by courts of the Civil and Military Station of Bangalore	Foreign Dept. Notification No. 1653-I, dated 13th April 1887.

Decrees of Mysore

II. The execution of decrees of Civil and Revenue Courts of the Mysore State.

(a)

R. O. 2.—R. P. B.—8-1911.—3,000.

2 A.P. 62/63 C.D.

(a) by Courts in British India	Foreign Dept. Notification 40 No. 233-I-J, dated 25th November 1881.
(b) by courts established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State.	Foreign Dept. Notification 42 No. 1364-I, dated 29th March 1889.
(c) by Courts of the Civil and Military Station of -- Bangalore	Foreign Dept. Notification 43 No. 1652, dated 13th April 1887.

3. In forwarding herewith (for facility of reference) -- copies of the notifications referred to above, I am to request that the Residency may kindly be furnished with copies of -- similar notifications or orders issued by the Durbar for the reciprocal service or execution by the Mysore Courts of the p 106-17 - summonses or decrees, as the case may be, of

(a) Civil and Revenue Courts in British India

(b) of Civil and Revenue Courts established or continued by the authority of the Governor General in Council in the -- territories of any Foreign Prince or State.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

No. 1368-I.

GOVERNMENT OF INDIA

FOREIGN DEPARTMENT

Notification.

Fort William, the 29th March 1889.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that a summons issued by any Civil or Revenue Court situate within the territories of His Highness the Nizam of Hyderabad or His Highness the Maharaja of Mysore or of any Prince or State in Central India, and not established or continued by the authority of the Governor General in Council, shall, if sent to any Court so established or continued in the territories of any Foreign Prince or State, be served by that Court as if the summons had been issued by itself and, after being so served, be returned with an endorsement of such service under the hand of the Judge of the Court.

Sd/- H.M. Durand,
Secretary to the Government of
India.

@@@@@@@@@@@@@@@@@

C O P Y.

7

No. 1364-I.

Government of India.

F O R E I G N D E P A R T M E N T .

N o t i f i c a t i o n.

Fort William, the 29th March 1889.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to notify that a decree of any Civil or Revenue Court situate in the terriotries of His Highness the Maharaja of Mysore, and not established or continued by the authority of the Governor General in Council, may, if sent for execution to a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

Sd/- H.M. Durand,

Secretary to the Government of India.

C O P Y

6 3208/8/8 9

G.R.S. 26] C/S File No. 314-11

Serial No. 2.

Diary No. of letter replied to

Pol No. 124/Pres.

General and Revenue Secretariat

( )

, *the* 19 .

To

The First Assistant to
the Hon'ble the Resident
in Mysore

Date of issue 9.8.12

Signed by Mr K.P. Srinivasaraghavan

Sir,

I am directed to
acknowledge with thanks the receipt
of your letter N 3175 dated
the 31st May 1912 in the
matter of the reciprocal
Service or execution by
the Mysore Courts of
the Summonses or decrees
of ~~Cochin~~ Courts outside

over.

SUBJECT.

8/8

10

Mysore.

(2) In reply, I am to state that decrees of any Civil or Revenue Court in British India or of any Civil or Revenue ~~Court~~ Court established by the ~~authority of the~~ Governor-General in Council in the territories of any foreign Prince or State may be executed by the Civil Courts in Mysore under ~~the authority of~~ Section 43 of the Code of Civil Procedure, 1908 ~~Regulation III of 1908~~, corresponding to Section 229 of the old Code. Such decrees ~~can~~ may under the same Section be also executed by such of the Revenue Courts in Mysore as are specially directed by Govt in this

List of enclosures,

one

Copied by

Examined by

GPB—20,000—23-9-10

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

~~the same provision~~ No direction has been given in accordance with this provision to any Revenue Courts, as the necessity to do so has not presented itself since 1904, when this particular provision was first inserted in the Code ~~of~~ Mysore of Civil Procedure (VI of 1904)

behalf." No special direction has been issued by the Dubar so far - the power to issue such direction having been for the first time conferred on the Govt by Regulation VI of 1904.

(3) As regards Summonses, Section 65(A) of the old Code of Civil Procedure and Sections 29 & 67 of the new Code read with Section 67 of the latter, Commissioner Conferring power on the Civil Courts in Mysore to execute all Summonses of any Civil or Revenue Court beyond the limits of Mysore" which expression is wide enough to include Courts —

12

established under the authority of the Governor General in Council in the territories of a Foreign Prince or State. No notification has been issued under this section, as yet, but S. 157 of the Code keeps in force all the previous Notfns and Notfn No 112 (of which a copy is appended) gives powers to all Courts in Mysore to execute ~~all civil~~ processes of Civil Courts in British India.

I have, &c,

24/7 Secretary to Govt

24/7/12

The matter of issuing a Notfn under the new Code of C. P. is under Consn & a copy of the Notfn that may be issued will be forwarded in due course.

27/7/12

GPB—15,000—13-11-11